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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,131	09/26/2006	Thomas Baumgartner	2002P01288WOUS	3226

46726 7590 05/21/2009
BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

PAYNE, SHARON E

ART UNIT	PAPER NUMBER
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2875

MAIL DATE	DELIVERY MODE
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05/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,131	Applicant(s) BAUMGARTNER ET AL.	
	Examiner SHARON E. PAYNE	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-18 is/are allowed.
- 6) ☒ Claim(s) 10 is/are rejected.
- 7) ☒ Claim(s) 11-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burnett (U.S. Patent 6,295,004) in view of Lamb, Jr. (U.S. Patent 3,619,592).

Regarding claim 10, Burnett discloses a door pivotable around the horizontal axis thereof (Fig. 1); a switch arranged on the door (abstract), the switch being operable to generate an electric signal when a predetermined pivoting angle of the door is reached as the door is being opened (abstract); and a light source that illuminates the interior of the dishwashing machine (Fig. 1), the light source being disposed in the interior of the dishwashing machine (Fig. 1) and being operably connected to the switch such that the light source is activated into an illuminated condition in response to the receipt of the electrical signal from the switch (abstract). Lamb, Jr. does not disclose lights that are located other than on the door.

Lamb, Jr. discloses a plurality of generally upstanding, interconnected interior walls forming a washing chamber (Fig. 1), a door seal disposed intermediate the interior

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walls and the door to form a watertight washing compartment when the door is closed against the door seal (column 1, lines 60-70), a light source configured for illuminating the interior of the washing chamber of the dishwashing machine (Fig. 3, top), the light source being mounted to one of the interior walls (Fig. 3) thereby being disposed in the interior of the dishwashing machine interiorly of the door seal (Fig. 3) and not disposed on the door (reference number 30, Fig. 3, abstract) to illuminate the interior of the washing chamber of the dishwashing machine from within the washing chamber (Figs. 1 and 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Lamb, Jr. in the apparatus of Burnett to enable one to see inside the washer more clearly when the door is open.

Allowable Subject Matter

3. Claims 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 15-18 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter. The prior art does not disclose a light for a door having a weight arranged relative to the retractable button such that the weight is operable under the influence of gravity to increasingly urge the retractable button against the biasing means toward the

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actuation position as the door is increasingly pivoted away from a vertical position as recited in claims 11 and 15.

Response to Arguments

6. Applicant's arguments filed 3/18/09 have been fully considered but they are not persuasive. Applicant argues that Lamb, Jr. does not fully illuminate the inside of the dishwasher. However, the claim does not require that the dishwasher be fully illuminated, and in Fig. 3 light is traveling in the interior of the dishwasher, which means that part of the interior of the appliance is lighted. MPEP 2111 requires a broad reading of the claims, and the Applicant is arguing for a much narrower reading. The other arguments are rendered moot due to the analysis above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHARON E. PAYNE whose telephone number is (571)272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sharon E. Payne/
Primary Examiner, Art Unit 2875